

**REMARKS**

On August 3, 2005, Applicant filed an Information Disclosure Statement in the present case identifying certain prior art cited in the International Search Report dated June 17, 2005 associated with corresponding PCT Patent Application No. PCT/US04/040409. A Written Opinion in the corresponding PCT case likewise issued on June 17, 2005. Copies of the International Search Report and the Written Opinion issued in the corresponding PCT case are attached hereto.

In response to the Written Opinion associated with the corresponding PCT case mailed June 17, 2005, Applicant hereby preliminarily amends the above-identified application in accordance with the amendments and remarks set forth herein to even further distinguish the present invention over the prior art cited in the International Search Report. Applicant also submits the following arguments regarding the various prior art references cited in the Written Opinion.

The above amendments reflect key features in Applicant's urinary collection system. These features are directed to a quick release fitting associated with the outlet portion of the pickup device; a remote control device for selectively and remotely activating and deactivating the drive motor associated with the pump device; and means for automatically deactivating the drive device after a predetermined period of time has lapsed after activation of the pump device. None of the prior art references cited in the International Search Report disclose or teach these

specific combination of features in a urinary collection system as recited in the newly filed and amended claims.

### **SUMMARY OF PRIOR ART**

More particularly, the principal Kraus reference discloses a urine collection apparatus which requires an attendant to manually control collection of urine. A manual control device 68 is used by an attendant to control and adjust the necessary vacuum to induce flow of the urine from one component to another; there is no automatic shut-off feature and reset feature associated with the Kraus device; and there is no pickup device as disclosed and claimed in the present claims.

In addition, the Funk, McCall, Rowe, and Drouhard references cited in the International Search Report are not even related to a urine collection system. These references disclose a soil pump sewage handling system, a portable spa unit, a toilet paper dispenser unit, and an odor removing apparatus used with toilets. None of these prior art references, either alone or in combination with the Kraus reference, disclose a urinary collection system having all of the specific features as defined in the newly submitted claims.

Still further, the Zint prior art reference cited in the International Search Report only discloses a portable male urinal and discloses no mechanism for transferring urine from the urinal to a collection system under vacuum as disclosed and claimed in the present application.

Still further, the Short reference discloses a urinal system which utilizes a flushing tank and a waste tank for delivering flushing fluid from the flushing tank to the receptacle head. The amended claims recite structure which is totally different from the system disclosed in the Short reference. The same is likewise true with respect to the Hadley and Heller references. The

Hadley reference discloses a feminine hand urinal which merely uses a pump to scavenge urine from the receiver. The Heller reference discloses a portable male urinal assembly which merely utilizes gravity flow for facilitating the flow of urine from the urinal to an outlet for discharge to a storage container. Nothing similar to the present urinary collection system is disclosed or even suggested in these references.

### **DISTINGUISHABLE FEATURES OF AMENDED CLAIMS**

In The Citations and Explanations Portion of The Written Opinion, the PCT Examiner states that claims 1, 4, 5, 7-10, 17 and 20-24 lack novelty under PCT Article A (33)(2) as being anticipated by Kraus. The Kraus reference specifically discloses a urine collection apparatus as depicted in Figs. 1-11 which requires the use of an attendant, separate and apart from the user of the collection device, in order to operate and collect urine from the user. More specifically, the attendant 16 controls and operates both the on/off switch 18 as well as the vacuum control orifice 68 which controls the amount of vacuum to be used during operation. The amount of vacuum may be adjusted by the attendant by hand manipulation of the slide member 72. Also, importantly, the Kraus apparatus does not include any means for automatically deactivating the drive device of the pump after a predetermined period of time after the pump has been activated, nor does it include any type of reset feature. Still further, and importantly, the Kraus device does not include a pickup device as disclosed and claimed in the present invention. Instead, as clearly illustrated in Fig. 2, the conduit 26 is the only thing used in order to siphon urine from the collection well 64 to the collection tank 30. No pickup device as disclosed in the present claims are utilized in the Kraus method. In this regard the PCT Examiner has indicated in the Citations

and Explanations set forth in the Written Opinion that the Kraus device discloses a pickup device

64. It is respectfully submitted that reference numeral 64 in Kraus refers to the collection well

64. See, column 4, lines 16-28. The conduit tube 26 used to siphon urine from the collection

well 64 of Kraus is merely the first conduit member disclosed and claimed in the present

application. No separate pickup device as recited in the claims and as clearly shown in Fig. 2 of

the present application is disclosed or even suggested in the Kraus reference.

Also, importantly, the Kraus device is not operable by a user of the urinal but specifically requires the help of an attendant as specifically shown in Fig. 1 and as indicated at Column 2, Lines 55-63; Column 3, Lines 23-25; Column 4, Lines 29-35 and Lines 62-67; and Column 5, Lines 1-6. Still further, the Kraus device does not utilize any type of quick disconnect fitting as disclosed and claimed in the present application.

Claim 1 has specifically been amended to include a quick disconnect fitting associated with the outlet portion of the pickup device. The Kraus apparatus does not disclose any type of quick disconnect fitting. More importantly, the Kraus device does not disclose a pickup device having an inlet portion and an outlet portion mounted to the urinal. Instead, the Kraus device merely uses the first conduit from the collection tank to siphon urine from the collector. There is no pickup device associated with the Kraus device. Also, claim 1 specifically requires that the outlet portion of the pickup device be positioned normally above the inlet portion and that the pickup device form a flow path between the storage reservoir associated with the urinal and the outlet portion of the pickup device. Here again, no such construction is associated with the Kraus device. Also, importantly, claim 1 requires that the first conduit have one end portion attached to the quick disconnect fitting. Here again, no such connection is associated with the

Kraus device. In fact, the Kraus conduit is not even attached to the collector apparatus but is merely positioned within the well 64. Still further, claim 1 specifically requires that the control device be operable by a user of the urinal. Again, this is not true of the Kraus device since an attendant 16 must operate both the on/off switch 18 and the vacuum adjustment switch 68. For these and other reasons, claim 1 as now amended is clearly and patentably distinguishable over the Kraus reference.

Also, claim 2 of the present application specifically requires that the control device be a wireless transmitter and receiver. The Kraus device discloses no such wireless application. The PCT Examiner cites the Funk reference to teach use of a wireless control mechanism. It is respectfully submitted that the Funk device relates to an odor removing apparatus for toilets. This device has nothing to do with a urine collection system. Applicant is not claiming the use of a wireless control device per se, but does believe that the use of a wireless control device in association and combination with a urinary collection system is new and is not disclosed in any of the prior art references.

Amended claim 23 is likewise clearly and patentably distinguishable over the Kraus reference for many of the same reasons discussed above, including, importantly, that the control device is not operable by a user of the external male catheter, but instead, the Kraus apparatus requires the help of an attendant in order to properly operate such system.

Independent claim 24 is likewise clearly and patentably distinguishable over the Kraus reference because it likewise requires use of a separate pickup device and a separate quick disconnect fitting associated with the outlet portion of the pickup device. Claim 24 also specifically requires that the control device be operable by a user of the first liquid storage

reservoir. Again, this is contrary to proper operation of the Kraus device wherein an attendant is required.

New independent claim 26 is likewise clearly and patentably distinguishable over the Kraus reference in that it likewise requires a separate pickup device and the control device is likewise operable by a user of the urinal. Again, these features are not possible with the Kraus apparatus.

New independent claim 30 is likewise clearly and patentably distinguishable over the Kraus reference in that it specifically includes means for automatically deactivating the drive device after a predetermined period of time has elapsed after activation. No such mechanism is disclosed in the Kraus device. The PCT Examiner cites the McCall, Rowe and Drouhard references to teach a timer as claimed in claim 3. It is respectfully submitted that these references are non-analogous art in that the McCall reference discloses a toilet paper dispenser; the Rowe reference discloses a portable spa unit; and the Drouhard reference discloses a soil pump sewage handling system for a toilet apparatus. Applicant is not claiming the use of a timer arrangement in and of itself, but does believe that the use of a means for automatically deactivating the drive device after a predetermined period of time in combination with the other features of the present urinary collection system is new, novel, and non-obvious in light of all of the prior art cited in the International Search Report. There is no prior art referenced which discloses a urine collection apparatus which includes this feature.

New independent claim 32 is likewise clearly and patentably distinguishable over the Kraus reference in that it likewise specifically includes a separate pickup device and it provides

for a control device which is operable by a user of the urinal. Again, these features are not disclosed in the Kraus reference.

New independent claim 34 is likewise clearly and patentably distinguishable over the Kraus reference in that it likewise includes a separate pickup device; it includes a control device operable by a user of the urinal; and it requires means for automatically deactivating the drive device after a predetermined period of time has lapsed after activation. Here again, none of these features are disclosed in the Kraus reference.

The PCT Examiner has likewise rejected claims 2, 3, 6, 11-16, 18, 19 and 25 as being obvious over Kraus in further view of all of the other prior art references, namely, Funk, Rowe, Drouhard, Heller, Short, Zint and Hadley. As previously indicated, the Funk reference relates to an odor removing apparatus for toilets and includes none of the features of the urine collection system disclosed and claimed in the present application. The use of a wireless control device in combination with a urine collection system is not obvious in light of the Funk reference.

The McCall reference likewise teaches a toilet paper dispenser, not a urine collection system, and the use of a timer in combination with a urine collection system is not made obvious by the McCall reference. The same is true with respect to the Rowe and Drouhard references which relate to a portable spa unit and soil pump sewage handling system. Here again, the use of a timer circuit in a urine collection system with all of the other features disclosed and recited in the claims of the present application is not made obvious by the disclosures in the Rowe and Drouhard references.

The Zint prior art reference cited in the International Search Report only discloses a portable male urinal and discloses no mechanism for transferring urine from the urinal to a

collection system under vacuum as disclosed and claimed in the present application. The Short reference discloses a urinal system which utilizes a flushing tank and a waste tank for delivering flushing fluid from the flushing tank to the receptacle head. The amended claims recite structure which is totally different from the system disclosed in the Short reference. The same is likewise true with respect to the Hadley and Heller references. The Hadley reference discloses a feminine hand urinal which merely uses a pump to scavenge urine from the receiver. The Heller reference discloses a portable male urinal assembly which merely utilizes gravity flow for facilitating the flow of urine from the urinal to an outlet for discharge to a storage container. Nothing similar to the present urinary collection system is disclosed or even suggested in these references.

For all of the reasons set forth above, it is now believed that all of the pending claims in the present application, namely, claims 1-36 contain limitations and restrictions which patentably distinguish them over all of the cited prior art. None of the cited references, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present urinary collection system, nor do the prior art constructions provide the specific advantages and objectives obtained by the present system.

No new matter has been introduced by these amendments which are made for accuracy and to place the application more clearly in condition for allowance over the cited prior art. In view of the foregoing, it is submitted that the claims defined patentably over the cited prior art. Favorable action and allowance of the claims is therefore respectfully submitted.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this




Application of: Larry Baker, et al.  
Serial No.: 10/526,942  
Preliminary Amendment

application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: 16 Sept 05

  
Samuel Digirofano  
Reg. No. 29,915  
Blackwell Sanders Peper Martin LLP  
720 Olive Street, Suite 2400  
St. Louis, MO 63101  
314-345-6000  
ATTORNEYS FOR APPLICANT